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March 9, 2010

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Ex Parte

Re: Notice of Ex Parte Communication: In the Matter of Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Docket No. 07-245; Petition for Declaratory Ruling of American Electric Power Service Corporation et al. Regarding the Rate for Cable System Pole Attachments Used to Provide Voice Over Internet Protocol Service, WC Docket No. 09-154; and In the Matter of a National Broadband Plan for Our Future, GN Docket No. 09-51

Dear Ms. Dortch:

Please accept this letter as notification, pursuant to Section 1.1206 of the Commission's Rules, that on March 8, 2010, Tom St. Pierre of American Electric Power Service Corporation, Allen Bell of Georgia Power Company (an operating company subsidiary of Southern Company), Holly Henderson of SouthernLINC Wireless (an affiliate of Southern Company), and the undersigned met separately with: (1) Blair Levin, Executive Director of the Omnibus Broadband Initiative ("OBI"), Nick Sinai, Energy and Environment Director of OBI, Thomas Koutsky, Senior Advisor OBI, Elvis Stumbergs Attorney Advisor OBI and Marcus Maher, Associate Bureau Chief of the Wireline Competition Bureau; (2) Angela Kronenberg, Acting Legal Advisor, Wireline for Commissioner Clyburn; (3) Christine Kurth, Policy Director and Wireline Counsel for Commissioner McDowell; (4) Priya Aiyar, Legal Advisor for Wireline Competition and International Issues for Chairman Genachowski; and (5) Christi Shewman, Legal Advisor for Wireline and Universal Service for Commissioner Baker.

During the meeting, the parties discussed: (1) the petition for declaratory ruling asking the Commission to clarify that the telecommunications rate for pole attachments applies to cable system attachments used to provide interconnected voice over internet protocol service; (2) the development of pole attachment regulations through the above-referenced proceedings, consistent with their written comments on the record; (3) the fact that rural areas are largely served by cooperative and municipal electric utilities, not by investor-owned electric utilities;

and (4) electric utility concerns regarding the safety and reliability of critical electric distribution infrastructure.

We applauded recent statements by Chairman Genachowski and FCC staff regarding the importance of safety and reliability of critical infrastructure, but also expressed concern that the Commission has not sufficiently acknowledged the importance of reliable electric service and the underlying physical network of poles without which there would be no broadband service. To illustrate some of these concerns, we discussed a recent filing by Montgomery County, Maryland<sup>1</sup> summarizing 1,063 customer reports of unsafe and abusive attachment and construction practices by Comcast, Verizon, and other broadband providers. We noted that some of the most common complaints include: "Inadequate or no notice of neighborhood construction," "Damage to other providers' facilities resulting in lost power, telephone, cable television, and broadband service," "Temporary cables and worksites left unfinished or unrestored for weeks at a time," and "Serial, uncoordinated construction by multiple broadband providers." All 1,063 complaints were against either a cable company or a telephone company. Montgomery County's experience illustrates well the kind of "wild West" conditions created by haphazard broadband attachment practices which, in the experience of our companies, pose a serious hazard to the safety and integrity of critical electric distribution infrastructure.

This notice has been filed in accordance with Section 1.1206(b) of the Commission's Rules, and one electronic copy of this notice is being filed in the above-referenced dockets.

Please do not hesitate to contact the undersigned if you have any questions.

Respectfully submitted,

/s/Sean B. Cunningham  
Sean B. Cunningham

Enclosure

cc:	Thomas Koutsky (via electronic mail)	Blair Levin (via electronic mail)
	Nick Sinai (via electronic mail)	Elvis Stumbergs (via electronic mail)
	Marcus Maher (via electronic mail)	Angela Kronenberg (via electronic mail)
	Christine Kurth (via electronic mail)	Priya Aiyar (via electronic mail)
	Christi Shewman (via electronic mail)	

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<sup>1</sup> *In the Matter of A National Broadband Plan for our Future*, Docket No. 09-51, Comments of Residents of Montgomery County Maryland on NBP Public Notice #30 (filed January 27, 2010).

# America's Electric Cooperative Network

